



IP6 Rec'd PCT 08 MAY 2006

#8

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/518,813  
Applicant : CARTER, ET AL.  
Filed : DECEMBER 22, 2004  
Title : MEDICAL DEVICE TESTING APPARATUS  
Art Unit : TO BE ASSIGNED  
Examiner : TO BE ASSIGNED  
Atty Docket No. : COCH-0132-US1

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

RECEIVED  
Legal Staff  
International Division

The below-identified communication(s) is (are) submitted in the above captioned application or proceeding:

RECEIVED  
- 5 JUN 2006  
Legal Staff  
International Division

- ☒ Patent Fee Transmittal for FY 2006 (1 page w/dup.)
- ☒ Credit Card Payment Form (1 page)
- ☒ Response to Notification of Defective Response (2 pages)
- ☒ Request for Correction of Inventorship under § 1.497 35 U.S.C. (c) (4) (2 pages)
- ☒ Statement from Additional Inventor David J. Bull (1 page)
- ☒ Statement from Cochlear Limited (1 page)
- ☒ Declaration and Power of Attorney (2 pages)
- ☒ Supplemental Application Data Sheet (3 pages)
- ☒ Copy of Notification of Defective Response (2 pages)

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-COCH-0132-US1.**

09/08/2006 SBASHEIR 00000000 10518813

01 FC:1464

130.00 OP

Respectfully submitted,

Adjustment date: 09/08/2006 SBASHEIR  
05/16/2006 GFRY1 00000130 10518813  
01 FC:1617

-130.00 OP

Michael G. Verga  
Registration Number 39,410

**JAGTIANI + GUTTAG**  
Democracy Square Business Center  
10363-A Democracy Lane  
Fairfax, Virginia 22030  
(703) 591-2664

May 8, 2006



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Sir:

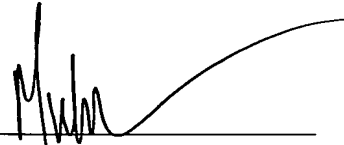
This is in response to the Notification of Defective Response mailed on January 24, 2006, for which the period to respond has been extended until May 24, 2006, by submitting the appropriate fee under 37 CFR 1.136(a).

Please find enclosed a Request for Correction of Inventorship, a statement from the individual who is being added as an inventor; a copy of the Declaration and Power of Attorney executed by both inventors, a statement from Cochlear Limited and a copy of a Supplemental Application Data Sheet.

**Application Number: 10/518,813**

Please direct any inquiries in connection with this application directly to the undersigned.

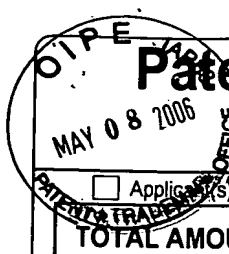
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael G. Verga', is written over a horizontal line.

Michael G. Verga  
Registration Number 39,410

**JAGTIANI + GUTTAG**  
Democracy Square Business Center  
10363-A Democracy Lane  
Fairfax, Virginia 22030  
(703) 591-2664

May 8, 2006



PCT #

# Patent Fee Transmittal for FY 2006

☐ Application(s) Claims Small Entity Status 37 C.F.R. 1.27

**TOTAL AMOUNT OF PAYMENT**

**\$1,150.00**

Application No. 10/518,813  
Filing Date 24-Dec-06  
Named Inventor CARTER, Paul M.  
Examiner Name To be assigned  
Art Unit To be assigned  
Attorney Docket No. COCH-0132-US1

## FEE CALCULATION

### 1. Filing Fees

Application Type	Description	Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Utility	<input type="checkbox"/> Basic	1011	300	2011	150	\$ -
	<input type="checkbox"/> Examination	1311	200	2311	100	\$ -
	<input type="checkbox"/> Search	1111	500	2111	250	\$ -
Design	<input type="checkbox"/> Basic	1012	200	2012	100	\$ -
	<input type="checkbox"/> Examination	1312	130	2312	65	\$ -
	<input type="checkbox"/> Search	1112	100	2112	50	\$ -
Plant	<input type="checkbox"/> Basic	1013	200	2013	100	\$ -
	<input type="checkbox"/> Examination	1313	160	2313	80	\$ -
	<input type="checkbox"/> Search	1113	300	2113	150	\$ -
Reissue	<input type="checkbox"/> Basic	1014	300	2014	150	\$ -
	<input type="checkbox"/> Examination	1114	600	2114	300	\$ -
	<input type="checkbox"/> Search	1314	500	2314	250	\$ -
Provisional	<input type="checkbox"/> Basic	1005	200	2005	100	\$ -
National Stage	<input type="checkbox"/> Basic	1631	300	2631	150	\$ -
	<input type="checkbox"/> Examination	1633	200	2633	100	\$ -
	<input type="checkbox"/> Search	1632	500	2632	250	\$ -

### 2. Extra Claim Fee

#### a. Claims as Filed

		Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Total Claims	0 - 20 = 0	1201	50	2201	25	\$ -
Independent	0 - 3 = 0	1202	200	2202	100	\$ -
Multiple Dependent		1203	360	2203	180	\$ -

#### b. Claims as Amended

		Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Total Claims	0 - 0 = 0	1201	50	2201	25	\$ -
Independent	0 - 0 = 0	1202	200	2202	100	\$ -
First Presentation of Multiple Dependent		1203	360	2203	180	\$ -

\* Less than 20, enter 20 \*\* Less than 3, enter 3

### 3. Extra Page Fee

		Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Total Pages	0 - 100 = 0	1081	250	2081	125	\$ -
Extra Pages	0					
Subtotal for Application Fees						
1	\$ -	+	2	\$ -	+	3

### 4. Additional Fees

Description	Large Entity		Small Entity		Paid
	Code	(\$)	Code	(\$)	
Extension for response first month	1251	120	2251	60	\$ -
Extension for response second month	1252	450	2252	225	\$ -
Extension for response third month	1253	1,020	2253	510	\$ 1,020
Extension for response fourth month	1254	1,590	2254	795	\$ -
Extension for response fifth month	1255	2,160	2255	1,080	\$ -
Notice of Appeal	1401	500	2401	250	\$ -
Filing a Brief in Support of an Appeal	1402	500	2402	250	\$ -
Request for Oral hearing	1403	1,000	2403	500	\$ -
Petitions under 1.17(f)	1462	400	2462	400	\$ -
Petitions under 1.17(g)	1463	200	2463	200	\$ -
Petitions under 1.17(h)	1464	130	2464	130	\$ -
Petition - public use proceeding	1451	1,510	2451	1,510	\$ -
Petition to Revive - Unavoidable	1452	500	2452	250	\$ -
Petition to Revive - Unintentional	1453	1,500	2453	750	\$ -
Utility Issue Fee	1501	1,400	2501	700	\$ -
Design Issue Fee	1502	800	2502	400	\$ -
Plant Issue Fee	1503	1,100	2503	550	\$ -
Reissue Issue Fee	1511	1,400	2511	700	\$ -
Publication Fee	1504	300	2504	300	\$ -
Statutory Disclaimer	1814	130	2814	65	\$ -

#### Description (cont.)

		Large Entity		Small Entity		Paid
		Code	(\$)	Code	(\$)	
Recording each Assignment		8021	40	8021	40	\$ -
Submission of IDS		1806	180	1806	180	\$ -
Request for Cont. Examination (RCE)		1801	790	2801	395	\$ -
Filing Submission After Final		1809	790	2809	395	\$ -
Surcharge - late filing fee or oath		1051	130	2051	65	\$ -
Surcharge - late provisional fee		1052	50	2052	25	\$ -
Non-English Specification		1053	130	2053	130	\$ -
Processing Fee 37 CFR 1.17(q)		1807	50	2807	50	\$ -
Request for Ex Parte Reexamination		1812	2,520	2812	2,520	\$ -
Request Pub. of SIR prior to action		1804	920	2804	920	\$ -
Request Pub. of SIR after action		1805	1,840	2805	1,840	\$ -
Each Add. Invention Examined		1810	790	2810	395	\$ -
Expedited Examination (Design)		1802	900	2802	900	\$ -
Unintentionally Delayed Priority Claim		1453	1,370	2453	1,370	\$ -
Certificate of Correction		1811	100	2811	100	\$ -
Maintenance Fees 3.5 years		1551	900	2551	450	\$ -
Maintenance Fees 7.5 years		1552	2,300	2552	1,150	\$ -
Maintenance Fees 11.5 years		1553	3,800	2553	1,900	\$ -
Surcharge - Late Payment 6 mos.		1554	130	2554	65	\$ -
Other fee						\$130.00

(cont.)

Additional Fee Subtotal 4 \$ 1,150

01 FC:1617

130.00 op

## METHOD OF PAYMENT (Check all that apply)

☒ Credit Card (Provide credit card information and authorization on PTO-2038)

☒ Deposit Account No.

10-0233-COCH-0132-US1

For the above-identified deposit account, the Director is hereby authorized to:

☐ To charge the above-identified fee.

☒ To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above.

Submitted by:

Name Michael G. Verga Reg. No. 39,410  
Firm Jagtiani + Gutttag  
Address 10363-A Democracy Lane, Fairfax VA 22030  
Telephone 703.591.2664 Fax 703.591.5907

Signature

May 8, 2006

Date

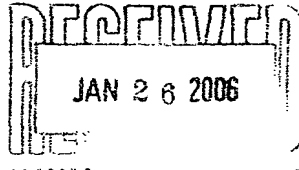


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22303-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/518,813	FIRST NAMED APPLICANT Paul Michael Carter	ATTY. DOCKET NO. COCH-0132-USI
INTERNATIONAL APPLICATION NO. PCT/AU03/00827		
I.A. FILING DATE 06/27/2003		PRIORITY DATE 06/28/2002

22506  
JAGTIANI + GUTTAG  
10363-A DEMOCRACY LANE  
FAIRFAX, VA 22030



CONFIRMATION NO. 3627

371 FORMALITIES LETTER



\*OC00000017898503\*

Date Mailed: 01/24/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/22/2004
- Copy of the International Search Report filed on 12/22/2004
- Copy of IPE Report filed on 12/22/2004
- Information Disclosure Statements filed on 12/22/2004
- Oath or Declaration filed on 12/27/2005
- U.S. Basic National Fees filed on 12/22/2004
- Priority Documents filed on 12/22/2004
- Specification filed on 12/22/2004
- Claims filed on 12/22/2004
- Abstracts filed on 12/22/2004
- Drawings filed on 12/22/2004

Applicant's response filed 12/27/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/27/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - inventor David John Bull is not listed on publish application or neither on your data sheet filed with 371 requirement filed 12/22/04

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing**

Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,813	PCT/AU03/00827	COCH-0132-US1

FORM PCT/DO/EO/916 (371 Formalities Notice)